



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception – Expansion of Non-Conforming Structure Csendes Family LLC/Map 196, Lot 13

June 16, 2010

**Applicant: Csendes Family LLC
45 Card Sound Road
Key Largo, FL 33037**

Location: 184 Alpine Park Road, Moultonborough, NH (Tax Map 196, Lot 13)

On June 2, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Csendes Family LLC (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Agricultural Residential (AR) Zoning District at 184 Alpine Park Road.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 184 Alpine Park Road (Tax Map 196, Lot 13)
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented by Dave Dolan of Dolan Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) No members of the public wished to speak during the Public Hearing.
- 6) The existing structure, a single-family residential unit, is to become the primary structure on the existing lot, which includes numerous other structures, one (1) of which is to be removed where the expansion is to be located, and extends into the lake setback as a pre-existing, nonconforming primary structure.
- 7) The applicants are proposing additions to the existing structure within the fifty foot (50') foot lake setback on the lot.
- 8) This is the first such Special Exception Application for the subject property.
- 9) The footprint of that portion of the new structure extending into the lake setback will be approximately 136 sq.ft.

- 10) The existing structure is entirely within the lake setback and constitutes approx. 990 sq.ft.
- 11) The proposed expansion will not be more than thirty-two (32) feet in height, in accordance with the Town's height restrictions.
- 12) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 13) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 14) The proposed expansion will not cause property values to deteriorate.
- 15) The proposed expansion will not impede the existing rights of access or egress.
- 16) The new portion of the proposed expansion which will intrude into the lake setback will not exceed the sq.ft. amount of intrusion that is present in the existing structure.
- 17) The non-conforming primary structure is not a commercial use.
- 18) The requested Special Exception is to the lake setback.
- 19) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 20) The application meets all of the requirements for a Special Exception under Article VII B(3).
- 21) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Heal, McCarthy, Roseberry), and none (0) opposed to continue the Public Hearing to June 16, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the June 16, 2010 Regular Meeting.

The Board of Adjustment continued the Public Hearing to June 16, 2010. The Board of Adjustment closed the public portion of the hearing on June 16, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Nolin, Roseberry), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____